

**UNITED STATES DISTRICT COURT  
MIDDLE DIVISION OF ALABAMA  
NORTHERN DIVISION**

Gene Martin Auto Sales, Inc.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number: 2:07CV937-MEF
	)	
Kevin Davis, Jonathan Benson,	)	
Kenneth Harmon, Lt. Lockhart,	)	
Jason Ously, Michael Poe,	)	
and John Shannon	)	
	)	
Defendants.	)	

**PLAINTIFF'S STATUS REPORT**

Gene Martin Auto Sales, Inc., the plaintiff in the above case reports to the court as follows:

1. Following the telephone conference on October 22, 2007, plaintiff's counsel and defendant's counsel have had several telephone conversations.
2. Michael Lawson is in charge of the plaintiff's computer maintenance, upgrades, software, and data storage. His affidavit was filed with the court on October 22, 2007. It describes the computers that were seized by the defendant that are necessary for the plaintiff to operate its business.
3. The plaintiff's counsel was advised that the computers were no longer in the possession of the defendant, but had been removed to Muscle Shoals, Alabama.

4. The plaintiff has made Mr. Lawson available at any time on October 22, 2007 for assistance in downloading information of the plaintiff's computers. However, his assistance was not needed or requested. The defendant requested a priority for the need of the return of some of the computers. However, Mr. Lawson could not identify the computers from the information available on the defendant's inventory and needed to see them.

5. Plaintiff's counsel has reviewed the affidavit of Ken Rager which was received about 4:00 p.m. today. The defendant has had possession of the computers since October 12, 2007 and any further delay of their return is unreasonable.

6. The plaintiff requests the court to order the defendant to immediately return the items described in Mr. Lawson's affidavit. The plaintiff will agree for the order to require the computers to be made available to the defendant for copying or downloading information when they are not in actual use.



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Charles Cleveland, Attorney for  
Gene Martin Auto Sales, Inc.

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**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.4, I hereby certify that I have electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to the following:

Winston Sheehan  
Ball, Ball, Matthews & Novak, PA  
2000 Interstate Park Drive  
Suite 204  
Post Office Drawer 2148  
Montgomery, Alabama 36102  
(334) 387-3222 (fax)

I hereby certify that I have served a copy of the foregoing affidavit by Facsimile on this the 23<sup>rd</sup> day of October, 2007, upon the following:

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Ball, Ball, Matthews & Novak, PA  
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Post Office Drawer 2148  
Montgomery, Alabama 36102  
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Charles Cleveland